

City of San Diego
Memorandum

March 10, 2006

To: Honorable Members of the City Council
Honorable City Attorney

From: Mayor Jerry Sanders

Subject: Email Retention Task Force

I am informing you that I have created a task force to evaluate email retention policies and system practices across City government. Over the course of the past few days, it has become abundantly clear to me that City retention policies may not be known to all and that our own systems may not be providing critical safety nets to prevent the elimination of emails. The simple fact is that there are a number of disparate policies and system practices across the City that merit immediate review. The goal of the task force will be to make our retention policies definite and known to all employees.

I have asked Matt McGarvey, the City's Acting Chief Information Officer, to chair this task force and have asked the following individuals to serve on it:

City Attorney Michael Aguirre and his representatives
Tom Fleming, San Diego Data Processing Corporation (SDDPC) and his representatives
Elizabeth Maland, City Clerk and her representatives

I have directed the task force, as expeditiously as possible, to provide us all with two critical products:

1. A top level report on: the disposition of City emails; the applicable state laws on email records retention; and the City's policies, as memorialized in Administration Regulations, as well as the City's practices of retaining emails, to include those deleted from individuals' trash cans.
2. A final report with recommendations on how all of the above can be either corrected or strengthened.

Separately, the City Attorney has opened up his own inquiry and has apprised the U.S. Department of Justice and the Securities and Exchange Commission of the facts known to us at this time.

Background

Earlier this year, the *San Diego Union-Tribune* requested the emails of former City Manager Lamont Ewell for the month of November 2005. As part of the City's production efforts for this request, the Public Records Request was sent to the City's Information Technology & Communications (IT&C) Department.

Both agencies reported back that they were unable to locate any emails for Mr. Ewell during November 2005 and that there were 43 emails for all of 2005.

The SDDPC subsequently informed us that a "snapshot" of mailbox statistics conducted on Monday, November 21, 2005, indicated that Mr. Ewell was using 1,048 MB of memory on this date. His account included 6,237 emails in his inbox, 2,207 in his outbox, and 430 in his trash, for a total of 8,874 emails. Mr. Ewell's last day in the office was Monday, November 28. His account was disabled on Tuesday, November 29. When a similar snapshot was taken that day, there were 43 emails left. It is important to make clear that we have no factual knowledge of what occurred in between those two snapshots.

As a practice across the City, all emails are backed up to tape for two weeks as part of an emergency recovery system, not as part of a records retention policy. They are then overridden by the next step of backups as the next 14 days advance.

There are also disparate policies across the City that apply to the 6,411 employees having access to email. For instance, employees in the Auditor's Office will automatically have emails in their inbox sent to their trash cans after 180 days and then that trash can will be emptied 21 days later (and then lost 14 days later as described above). Computers users in the Mayor's and Council offices have no such rules but there is also no permanent backup of emails. A table detailing the practices follows this memo.

As you can appreciate, these events has spurred more questions than answers. As a result, I have asked the task force to answer the following questions:

1. What are the State and City's records retention laws?
2. What are the City's policies addressing email retention? Have those policies changed over time and if so, how and why? Are there government best practices/benchmarks for email retention? What do other cities across the state do?
3. What are the City's practices for retaining emails, including those emptied from individuals' trash cans? What is the rationale for the disparate policies across the City? Same set of questions with respect to best practices and the policies of other government agencies.
4. What are the practical implications of retaining emails over long periods of time? Will we need an add-on solution? Do we presently have that capacity? If not, what will the cost be weighed against the benefit?

Process Review

I have committed my administration to the review of every single City process during my term. IT was one of the first four process reviews that I felt were critical. It will begin at the end of this month and clearly these issues will be a part of that overall assessment of our IT systems – although there are many other issues as well. Clearly, this issue has highlighted the needed to take apart virtually every City process and rebuild an organization that is sustainable.

We will keep you informed of our progress in these areas.

cc: All Employees of the City of San Diego
Tom Fleming, President & CEO, SDDPC

GroupWise Post Office Data

3/3/2006

Department	Domain	Department Post Office	Regional Post Office	Server Name if Different than PO	E-Mail Retention	Mailbox Size Restriction (MB)	GW Version 6.5 PO	GW Infrastructure	Shared GW / File & Print Server	Number Clients
Retirement	20_B	CERS		Deuce	N	N	Y			71
Development Services	CCP	Proc_2000		DSDMail1	122/7	N	Y			621
Treasurer	CCP	Treasure		Treasurer	N	N	Y		Y	114
Library	Eldorado		Cedar	SDGW03C	180/30	N	Y	Y		480
SDDPC	Eldorado		Oak	SDGW01C	180/30	150	Y	Y		322
Clerk's Office; Engineering & Capital Projects; Equal Opportunity Contracting	Lassen		Cypress	SDGW03C	180/21	200	Y	Y		390
E-mail Investigation Repository	Lassen		Elder	SDGW14C	N	N	Y	Y		76
Neighborhood Code Compliance; Ethics Commission; Risk Management; Purchasing Div; Central Stores/Print Shop Div; Personnel; Real Estate Assets; Economic Development & Community Svcs	Lassen		Maple	SDGW11C	180/21	200	Y	Y		442
Auditor & Comptroller; Facilities Maintenance Div; Equipment Division; StormWater; Planning; Community Service Centers; Local Enforcement Agency; Facilities Financing; Financial Management; ARJIS	Lassen		Sequoia	SDGW12C	180/21	200	Y	Y		411
Environmental Services	Plumas	Juniper		Env_Svcs_GW	180/21	N	Y			236
City Manager	Plumas		Birch	SDGW04C	N	N	Y	Y		72
Park & Recreation	Plumas		Palm	SDGW04C	180/21	200	Y	Y		361
Parking Management; Transportation Street; Transportation Engineering; Fire - Rescue	Plumas		Spruce	SDGW07C	180/21	200	Y	Y		395
City Attorney; Family Justice Center, Qualcomm, Arts & Culture	Trinity		Aspen	SDGW10C	180/21	200	Y	Y		481
Mayor's Office; Council Districts 1 - 8	Trinity		Fir	SDGW14C	N	N	Y	Y		193
MWWD	MWWD	MW-Moc		MWGW	180/21	200	Y			441
MWWD	MWWD	MW_Dept		MWGWMO	180/21	200	Y			454
Water	Tahoe	Pine		H2OAC/UA1	180/21	N	Y			445
Water	Tahoe	Pinyon		H2OAquamarine	180/21	N	Y			406
Grand Total		8	11				19	11	1	4,411